

MAY 28 2008

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

SILVINO MICHEL-TAPIA,

Defendant - Appellant.

No. 06-10705

D.C. No. CR-06-00101-RLH

MEMORANDUM^{*}

Appeal from the United States District Court
for the District of Nevada
Roger L. Hunt, District Judge, Presiding

Submitted May 20, 2008^{**}

Before: PREGERSON, TASHIMA, and GOULD, Circuit Judges.

Silvino Michel-Tapia appeals from his guilty-plea conviction and 51-month sentence for possession with intent to distribute cocaine, in violation of 21 U.S.C.

^{*} This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

^{**} The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

§ 841(a)(1), (b)(1)(A)(ii). Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Michel-Tapia's counsel has filed a brief stating there are no grounds for relief, along with a motion to withdraw as counsel of record. We provided the appellant the opportunity to file a pro se supplemental brief. No pro se supplemental brief or answering brief has been filed.

Because the record indicates that Michel-Tapia knowingly and voluntarily waived his right to appeal his conviction and sentence, we enforce the appeal waiver and dismiss the appeal. *See United States v. Nguyen*, 235 F.3d 1179, 1182 (9th Cir. 2000).

Counsel's motion to withdraw is **GRANTED**.

DISMISSED.